

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**SHELBY COUNTY, TENNESSEE,**

**Plaintiff,**

**V.**

Case 2:21-cv-02550-SHL-atc

**GOVERNOR BILL LEE, in his official  
Capacity as GOVERNOR OF THE  
STATE OF TENNESSEE,**

**Defendant.**

**MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION  
AND FOR FAILURE TO STATE A CLAIM**

Defendant Bill Lee, Governor of the State of Tennessee (“Defendant”), in his official capacity moves to dismiss Plaintiff Shelby County, Tennessee’s (“Shelby County” or the “County”) Verified Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and (6). The County lacks standing to bring suit, it fails to state a claim pursuant to either the Fourteenth Amendment or the American Rescue Plan Act of 2021 (“ARPA”), and, because the County is not entitled to relief under federal law, the Court should decline to assert supplemental jurisdiction over the County’s state-law claim; regardless, that claim lacks merit and dismissal is due. Defendant files a supporting memorandum of law pursuant to LR 7.2(a)(1) and LR 12.1(a).

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 17th day of September, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing report. Parties may access this filing through the Court's electronic filing system.

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